

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2007**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting P. J., Moore, J. and Fybel, J. Antoinette Cajigal, Deputy Clerk attending.

G037466 VICTOVILLE AEROSPACE LLC
 v.
 HARRY CHOWBEY ET AL.

Merits. Cause called. Todd A. Green argued for appellants. Michael J. Perry argued for respondent. Cause submitted.

G037381 BRANDI WHEATON-CAIN
 v.
 RADIO SHACK CORPORATION ET AL.

Merits. Cause called. Dan C. Dutcher argued for appellant. Dyan Flyzik argued for respondents. Cause submitted.

G035646 BANK OF AMERICA, N.A.
 v.
 RICHARD WOLBER

Merits. Cause called. Lawrence M. Lebowsky argued for appellant. Karin Dougan Vogel argued for respondent. Cause submitted.

G036549 BRYAN TRAN ET AL.
 v.
 MISSION HOSPITAL REGIONAL MEDICAL CENTER ET AL.

Merits. Cause called. Henry R. Fenton argued for appellants. Sarah G. Benator argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2007 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., Aronson, J., and Fybel, J. Antoinette Cajigal, Deputy Clerk attending.

G037348 DANIEL S. HENRY
 v.
 MARCIA HENRY

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Marjorie G. Fuller argued for respondent. Cause submitted.

G036583 JOSEPH MELICAN
 v.
 REGENTS OF THE UNIVERSITY OF CALIFORNIA

Merits. Cause called. Federico C. Sayre argued for appellant. Louis M. Marlin argued for respondent. Cause submitted.

G035809 MARCELINO M. PANIAGUA
v.
CITY OF WESTMINISTER ET AL.

Merits. Cause called. Horaacio Barraza argued for appellant. Stephen M. Caine argued for respondent Orange County Fire Department. Daniel P. Barer argued for respondent City of Westminister. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2007 (cont'd)**

G035266 THE PEOPLE
 v.
 TIMMY MICHAEL GIFFIN

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035820 MATTHEW VAN STEENHUYSE et al.
 v.
 CITY OF FULLERTON

Order filed. The petition for rehearing is denied.

O'Leary, J.

We concur: Bedsworth, J.
 Ikola, J.

G036092 THE PEOPLE
 v.
 PAUL APARICIO

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036168 THE PEOPLE
 v.
 ARMANDO OLAN PERALTA

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036241 THE PEOPLE
 v.
 JOHN SALCIDA

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2007 (cont'd)**

G036384 THE PEOPLE
 v.
 CHARNETTA LA VIA SIMMONS

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036803 COUNTY OF ORANGE
 v.
 RANGER INSURANCE CO.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036849 SHAHLA SINA
 v.
 LILY McLAUGHLIN

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036950 THE PEOPLE
 v.
 JOHN JAIRO SANDOVAL

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036962 In re MANUEL ANTONIO A.
 THE PEOPLE
 v.
 MANUEL ANTONIO A.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036990 NAM HAOI NGUYEN
v.
THE SUPERIOR COURT OF ORANGE
COUNTY;
THE PEOPLE OF THE STATE OF
CALIFORNIA

Rylaarsdam, Acting P.J.

Order filed. Order denying request for depublication and petition for rehearing.
Sills, P.J.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2007 (cont'd)**

G037192 In re GIBSON S.
 THE PEOPLE
 v.
 GIBSON S.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G037346 THE PEOPLE
 v.
 RAFAEL GONZALEZ

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G037633 THE PEOPLE
 v.
 RAMSES TORRES RUIZ

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G037404 MID-CENTURY INSURANCE
 COMPANY
 v.
 VINCI INVESTMENT COMPANY, INC.

Not for publication

Opinion file. The order is affirmed.

Ikola, J.

We concur: Bedsworth, Acting P.J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 26, 2007 (cont'd)**

G037558 In re HADLEY B.
 ORANGE COUNTY SOCIAL
 SERVICES AGENCY,
 HADLEY
 v.
 CAM B. et al. Not for publication

G037689

ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 THE SUPERIOR COURT OF ORANGE
 COUNTY;
 HADLEY B. et al.

Opinion filed. Order reversed and remanded with directions; petition dismissed as moot.

Aronson, Acting P.J.

We concur: Fybel, J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J. and Moore, J. Orlando Duarte, Deputy Clerk attending.

G036696 HARRY WACHTEL
 v.
 MARK EDWARDS

Merits. Cause called. Appellant did not appeared. Mark G. McGrath argued for respondent. Cause submitted.

G036809 PATRICIA LEE
 v.
 SO. CAL. UNIVERSITY
 FOR PROFESSIONAL
 STUDIES

Merits. Cause called. Edward M. Cramp argued for appellant. Jean C. Wilcox argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J. and Bedsworth, J. Orlando Duarte, Deputy Clerk attending.

G035955 DOMENIC et al.
 v.
 COUNTY OF ORANGE et al.

Merits. Cause called. Appellants did not appeared. Roberta A. Kraus argued for respondents. Cause submitted.

G037110 STEVEN HAMMER
 v.
 LANDMARK MERCHANT
 SOLUTIONS

Merits. Cause called. Mark B. Plummer argued for appellant. Daniel S. Latter argued for respondent. Cause submitted.

G036209 THE PEOPLE
 v.
 ALEXIS N. PETOVICH

Merits. Cause called. Andrew E. Rubin argued for appellant. Marissa Bejarano argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J. and Moore, J. Orlando Duarte, Deputy Clerk attending.

G037032 SHIRLEY BAXLEY et al.
 v.
 CAMBRIDGE FINANCIAL
 MANAGEMENT, INC.

Merits. Cause called. W. Patrick O'Keefe argued for appellants. Michael H. Leifer argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007 (cont'd)**

G036448 LEROY BARBER
 v.
 WILLIAM WU-YE CHANG

Order filed. Submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The reason submission is vacated and the cause is to allow time for the panel to review the circulating opinion.

Rylaarsdam, Acting P.J.

We concur: Aronson, J.
 Fybel, J.

G036991 MERRILEE MADRIGAL et al.
 v.
 CITY OF HUNTING BEACH;
 LANDSCAPE BY HIRO, INC., et al.

Order filed. Order granting request for publication.

Fybel, J.

We concur: Sills, P.J.
 Rylaarsdam, J.

G035003 THE PEOPLE
 v.
 DANIEL DWAYNE JENSEN

Not for publication

Opinion filed. Affirmed as modified.

Bedsworth, Acting P.J.

We concur: Moore, J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007 (cont'd)**

G035904	In re JOVANY M. THE PEOPLE v. JOVANY M.	Not for publication
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Opinion filed. Affirmed as modified, and remanded with directions.
Aronson, J.

We concur: Sills, P.J.
Fybel, J.

G036217	In re MICHAEL S. THE PEOPLE v. MICHAEL S. et al.	Not for publication
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Opinion filed. Affirmed in part, reversed in part with directions.
Moore, J.

We concur: Bedsworth, Acting P.J.
Aronson, J.

G036414	ROGER ANSON v. CITY OF BUENA PART et al.	Not for publication
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Opinion filed. The judgment is affirmed.
Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

G036449	THE PEOPLE v. STEPHEN SCOTT SIKORA	Not for publication
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Opinion filed. The judgment is affirmed.
Aronson, J.

We concur: Sills, P.J.
Rylaarsdam, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007 (cont'd)**

G036598	THE PEOPLE v. EDUARDO IZALDO	Not for publication
	Opinion filed. Affirmed in part, reversed in part and remanded.	
	We concur: Moore, J. Ikola, J.	Bedsworth, Acting P.J.
G036677	LISA M. PATRICK v. THOMAS P. DOVIDIO	Not for publication
	Opinion filed. The judgment is affirmed.	
	We concur: Rylaarsdam, Acting P.J. Fybel, J.	Aronson, J.
G036696	HARRY WACHTEL v. MARK EDWARDS	Not for publication
	Opinion filed. The judgment is affirmed.	
	We concur: Sills, P.J. Rylaarsdam, J.	Moore, J.
G036911	RODNEY JAMES ALCALA v. THE SUPERIOR COURT OF ORANGE COUNTY; PEOPLE OF THE STATE OF CALIFORNIA	Not for publication
	Opinion filed. Petition granted in part and denied in part.	
	We concur: Rylaarsdam, J. Ikola, J.	Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 27, 2007 (cont'd)**

G037118 CALIFORNIA SCHOOL EMPLOYEES Not for publication
ASSOCIATION, TUSTIN CHAPTER
NO. 450
v.
TUSTIN UNIFIED SCHOOL DISTRICT et al.

Opinion filed. The judgment is reversed and the matter remanded with
directions.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

G037213 CALICO BUILDING SERVICES, INC. Not for publication
v.
OSWALDO A. CAMERO

Opinion filed. The order is affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Aronson, J.

G037538 In re RUBY L. Not for publication
ORANGE COUNTY SOCIAL
SERVICES AGENCY
v.
HAYEM A. et al.

Opinion filed. Affirmed.

Ikola, J.

We concur: Aronson, Acting P.J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 28, 2007**

G037209 HOWARD GENSLER

v.

BOARD OF TRUSTEES OF THE SOUTH
ORANGE COUNTY COMMUNITY
COLLEGE DISTRICT

Order filed. Order denying petition for rehearing

Bedsworth, Acting P.J.

We concur: Moore, J.
Aronson, J.

G036363 LAGUNA SEACREST

v.

TELNET et al.

Order filed. The petition for rehearing is denied.

Ikola, J.

We concur: Bedsworth, Acting P.J.
O'Leary, J.

G036796 In re Marriage of PETER and LETICIA
ACERET

PETER M. ACERET

v.

LETICIA S. ACERET

Order filed. Submission of this matter is vacated and the cause is hereby resubmitted as of this date for a period of 30 days. The issues raised in this matter require additional time for review and completion of the court's opinion.

Sills, P.J.

We concur: Rylaarsdam, J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 28, 2007 (cont'd)**

G035046	TRANSCONTINENTAL INSURANCE COMPANY et al. v. INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA Opinion filed. The judgment affirmed. We concur: Moore, J. Ikola, J.	Not for publication O’Leary, Acting P.J.
G035437	THE PEOPLE v. EDWARD LEON MARTINEZ Opinion filed. The judgment is affirmed. We concur: Moore, J. Fybel, J.	Not for publication Rylaarsdam, Acting P.J.
G036152	FRANKLIN CAPITAL CORPORATION v. DOUGLAS WILSON et al. Opinion filed. Reversed and remanded with directions. I concur: Fybel, J. Concurring: Aronson, J.	Certified for publication Sills, P.J.
G036254	THE PEOPLE v. JOHN DOMINICK BERGERON Opinion filed. Affirmed in part, reversed in part, and remanded. We concur: Bedsworth, Acting P.J. Moore, J.	Not for publication O’Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 28, 2007 (cont'd)**

G036286	In re CHRISTIAN P. THE PEOPLE v. CHRISTIAN P.	Not for publication
	Opinion filed. Affirmed as modified and reversed in part. Rylaarsdam, J.	
	We concur: Sills, P.J. Aronson, J.	
G036506	THE PEOPLE v. REBECCA ANN DAVISON	Not for publication
	Opinion filed. The judgment is reversed and the matter is remanded. Moore, J.	
	I concur: O'Leary, J.	
	I concur in the result only. Bedsworth, Acting P.J.	
G036587	CHRISTIAN RESEARCH INSTITUTE et al. v. WILLIAM ALNOR	Certified for publication
	Opinion filed. Reversed with directions. Aronson, J.	
	I concur: Fybel, J.	
	Dissent: Rylaarsdam, Acting P.J.	
G036602	THE PEOPLE v. TONY ALBERTO STUBBS	Not for publication
	Opinion filed. Reversed and remanded. Aronson, J.	
	We concur: Rylaarsdam, Acting P.J. Fybel, J.	

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 28, 2007 (cont'd)**

G036635	COUNTY OF ORANGE v. KIP ROBERT DISHMAN et al.	Not for publication
	Opinion filed. The order reversed.	
	We concur: Bedsworth, Acting P.J. Ikola, J.	O'Leary, J.
	Estate of CARROL REMAS, Deceased.	Not for publication
G036824	<hr/> ROSEMARIE SMITH v. KATHY MALUY	
	Opinion filed. The judgment of conviction is reversed.	
	We concur: Bedsworth, Acting P.J. O'Leary, J.	Fybel, J.
	Estate of THERESA GRAY, Deceased.	Not for publication
G036979	<hr/> GLORIDA JEAN EVANS v. THERESA ANN ZANOLA, as Executor, etc.	
	Opinion filed. Reversed and remanded.	
	We concur: Aronson, J. Ikola, J.	Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 28, 2007 (cont'd)**

G037019	QUEENS VILLAS HOMEOWNERS ASSOCIATION, a California Nonprofit Mutual Benefit Corporation v. TCB PROPERTY MANAGEMENT et al. Opinion filed. The judgment is reversed. We concur: Moore, J. Fybel, J.	Not for publication Sills, P.J.
G037041	LARRY SMALL et al. v. THE SUPERIOR COURT OF ORANGE COUNTY; BRINDERSON CONSTRUCTORS, INC. Opinion filed. Petition granted. We concur: Aronson, J. Ikola, J.	Certified for publication Rylaarsdam, Acting P.J.
G037236	RENE MADERA-FONT v. EDWARD LISTER SMILOW et al. Opinion filed. The judgment is affirmed. We concur: Sills, P.J. Moore, J.	Not for publication Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 28, 2007 (cont'd)**

G037633

THE PEOPLE

Not for publication

v.

RAMSES TORRES RUIZ

Opinion filed. The judgment affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
MARCH 01, 2007**

G037140 FOUR CORNERS REALTY FINANCIAL, Not for publication
 v.
 NOAH BURFORD et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036406 JAMES E. HOGAN et al. Not for publication
 v.
 COUNTRY VILLA HEALTH
 SERVICES et al.

Opinion filed. Reversed and remanded.

Moore, J.

We concur: Bedsworth, Acting P.J.
 Aronson, J.

G037129 In re Marriage of ROBERT and DIANE
 THOMAS Not for publication

ROBERT C. THOMAS, JR.

v.
DIANE THOMAS

Opinion filed. Affirmed.

Bedsworth, Acting P.J.

We concur: Aronson, J.
 Ikola, J.

G037217 THE PEOPLE Not for publication
 v.
 FRED BOYZO

Opinion filed. The judgment is affirmed.

Bedsworth, Acting P.J.

We concur: O’Leary, J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
MARCH 01, 2007 (cont'd)**

G037260 SUNWEST BANK Not for publication
v.
MOHAMMAD MIKE RAFIPOOR

Opinion filed. Reversed and remanded.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
Fybel, J.

G037319 GEORGE OGLE et al. Not for publication
v.
PACIFICARE LIFE AND HEALTH
INSURANCE COMPANY etc.

Opinion filed. The order is affirmed.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
MARCH 02, 2007**

G037581 In re the Marriage of CARL and
 HILARY CRAVER
 CARL D. CRAVER
 v.
 HILARY R. CRAVER

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G038044 COLLEEN PRESTWOOD
 v.
 JONATHAN S. COHEN

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal,
and be relieved from default is granted. The order of dismissal is vacated
and the appeal is reinstated.

Sills, P.J.

G038132 DON FOX GREENE
 v.
 RITCHIE BROS. AUCTIONEERS

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal,
and be relieved from default is granted. The order of dismissal is vacated
and the appeal is reinstated.

Sills, P.J.

G038154 SHORELINE AVIATION, INC.
 v.
 THE SUPERIOR COURT OF ORANGE
 COUNTY;
 THEODORE PREMIER et al.

Not for publication

Opinion filed. Petition granted.

Fybel, J.

We concur: Sills, P.J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
MARCH 02, 2007 (cont'd)**

G038161 SHORELINE AVIATION, INC. Not for publication

v.

THE SUPERIOR COURTY OF ORANGE
COUNTY;
PAUL MUMFORD, SR.

Opinion filed. Petition granted.

Fybel, J.

We concur: Sills, P.J.
 Aronson, J.